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CONCORD, N.H.

Russell W. Hilliard, Director
Aeronautics Commission
Concord, New Hampshire

Dear Mr. Hilliard:

By your letter of October 4th you request the opinion of this office on two questions pertaining to the interpretation of chapter 236, Laws of 1955 and chapter 319, Laws of 1957.

Your letter states that the Aeronautics Commission on May 15, 1956 voted a tentative allocation of \$2500 to the Town of Whitefield for the improvement of their airport facilities. You ask that in addition to this allocation would the Town of Whitefield be eligible for an additional allocation of \$5000 under the provisions of Laws 1957.

Our answer is in the affirmative. Laws of 1955, chapter 236 provides that any unexpended balance appropriated under chapter 19, Laws of 1953 shall be deemed to be appropriated for the purposes specified in said section and said expenditures shall be authorized until June 30, 1957. Since the tentative grant of \$2500 was approved prior to that time by your Commission, and since the Laws of 1957, chapter 319, section 2 refers in the same language to the unexpended balance existing on June 30, 1957, it shall be deemed to have been appropriated as specified in said section and available for expenditure until June 30, 1959. The legislative intent would appear to encompass the tentative allocation to Whitefield. However the terminology used by the legislature although similarly used for a number of years past would be clearer if they had used the words, lapsed balance, instead of "unexpended balance".

Chapter 319 of the Laws of 1957 is a separate chapter and can be read independent of previous legislation on assistance to municipalities for airport construction and contemplation of the use of necessary federal funds. This act contemplates reimbursement in excess of \$5000 and likewise develops a new criterion for expenditures on airports as defined by the "Federal Aid Airport Program".

We have previously, under our opinion dated September 16, 1957, indicated that this \$5000 allocation under the Laws of 1957 is to be interpreted as one allocation.

Very truly yours,

William J. Deachman
Assistant Attorney General

WJD/lt